

United States District Court

Eastern District of Washington

JASON NICKERSON

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AUG - 8 2022

SEAN F. McAVOY, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

STATE OF WASHINGTON

Attorney General Bob Ferguson

Case No. 4:22-CV-5093-TOR

(To be filled out by Clerk's  
Office only)

COMPLAINT

Jury Demand?

☐ Yes

☒ No

(In the space above enter the full name(s) of the defendant(s).  
If you cannot fit the names of all of the defendants in the  
space provided, please write "see attached" in the space  
above and attach an additional sheet of paper with the full list  
of names. The names listed in the above caption must be  
identical to those contained in Section I. Do not include  
addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

**I. PARTIES IN THIS COMPLAINT****Plaintiff**

*List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.*

Plaintiff:	Jason Nickerson		
	Name (Last, First, MI)		
	9116 E Sprague Ave #1040		
	Street Address		
	Mailing Address/Spokane Valley	WA	99206
	County, City	State	Zip Code
	509-438-0184	Nickins31@gmail.com	
	Telephone Number	E-mail Address (if available)	

*Mailing address only*

**Defendant(s)**

*List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.*

Defendant 1: WASHINGTON STATE, Attorney General's Office (Kevin Hartze #16779)

Name (Last, First)

8127 W Klamath Ct Bldg 6

Street Address

Benton County/Kennewick

WA

99336

County, City

State

Zip Code

Defendant 2: Washington Attorney General, Bob Ferguson

Name (Last, First)

1125 Washington St, PO Box 40100

Street Address

Thurston, Olympia

WA

98504

County, City

State

Zip Code

**Defendant(s) Continued**

Defendant 3:

Name (Last, First)

Street Address

WA

99336

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Street Address

County, City

State

Zip Code

**II. BASIS FOR JURISDICTION***Check the option that best describes the basis for jurisdiction in your case:*

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws, or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

UNITED STATES BILL of RIGHTS, Supremacy Clause (Article VI, Paragraph 2)

38 USC 5301, Title-38 Veterans Disability

42 USC 659, SSA Title-4 Part-D/Child support laws

### III. VENUE

*This court can hear cases arising out of Eastern Washington.*

*Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.*

Venue is appropriate in this Court because:

This is the proper Venue. Ms. Nickerson and the children live in eastern  
Washington/Kennewick. Washington Attorney Generals Office is in Eastern  
Washington/Kennewick. A child support case is being delt with in eastern Washington.  
The question before the court is a federal question.  
Administrative State level remedies have been exhausted.

### IV. STATEMENT OF CLAIM

Place(s) of  
occurrence: Washington State

Date(s) of occurrence: NOV 2021 (Order was back dated to Feb 2021)

*State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.*

#### FACTS:

Federal Question/Constitutional Question, under Supremacy Clause.

Is Washington law constitutional?

Which law is the supreme law? Washington Law or United States Federal Law?

In Washington state, VA Disability is attached to a child support orders, simply and  
solely by the legal standard of; at a Judge's Discretion. (RCW 26.19.045)

What  
happened to  
you?

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Relevant Federal LAW

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1 USC 204; The published law, is evidence of the law

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38 USC 5301; Veterans Disability is protected under special provisions of federal law

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42 USC 659; (h)(1)(A)(V) outlines 3 legal requirements to attach VA funds for child support

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**Requirements #1 Servicemember (or title-10 funds) Retirement or Retainer pay**

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**#2 a waiver of funds**

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**#3 Veterans Affairs disability pay (title-38 disability pay)**

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42 USC 659 (h)(1)(B) (iii) (do not include) of periodic benefits under title 38, \*\*\*except as

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Provided in subparagraph (A)(ii) (V)\*\*\*

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The US Supreme court in Mansell v Mansell (1989) and again in Howell v Howell (2017)

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the higher court has ruled Veteran disability is protected by federal law, Title-38 laws.

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Veterans disability is protected by the anti-attachment clause of 38 USC 5301.

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Supreme Court in McCarthy v McCarthy (1981) a state court lacks authority to enter an order against federal funds (military retirement). Congress later addressed this decision by creating

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Uniform Servicemembers former spouses protection act, and the legal community recognizes

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McCarthy as dead law. In Rose v Rose (1987) congress later addressed this case by creating

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current black and white written laws that we have now in 42 USC 659, this explicitly states

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when and when not to attach VA funds to a child support order. Despite the clearly written-

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published laws, despite the actions taken by congress, the legal community continues to

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"Squabble" over rose v rose. Rose has been dealt with by congressional actions, Rose should

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be Viewed as DEAD LAW but it's not, it's squabble over and over, despite congressional

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actions that have been taken.

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The Federal legal standard to attach VA funds is in 42 USC 659, requiring #1 title-10 retirement or retainer pay, #2 a waiver of funds, and #3 title-38 funds, under Washington State law

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RCW 26.19.045, The legal standard to attach VA funds is a Judge's Opinion, the Judges opinion

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does NOT take in to consideration the clearly written and published federal laws.

If a state court will not uphold the clearly written and published supreme laws, then the state courts orders are with-out legal authority, in Howell v Howell "A state cant not vest in what a State court can not give" by JUSTICE BREYER, a direct issue about state courts and VA funds.

Does Congress create law? Did Congress create 42 USC 659?

Does RCW 26.19.045 hold a higher legal authority than 42 USC 659?

The Washington state administrative court created a child support order and refused to recognize the federal laws, so the case was taken up on appeal to the Benton County, Washington state court. The Washington attorney generals office, by and through a Mr Kevin Hartze bar#16779, says under rose v rose, the state of washington can attach VA Funds, and the court is not required to recognize the federal laws or federal standards to attach said funds. The Benton county court says the state law is constitutional despite the state law and federal law seemingly having greatly difference legal standards.

Who did  
what?

5.9 Notice was served to all parties and is in the state court records.

I come before this court raising question, is Washington law the supreme or a higher legal authority than the clearly written and published Federal Law?

In the administrative hearing Ms nickerson was asked is there a waiver of funds and she placed in the courts record a response of "No", and the administrative judge quickly stopped all further questions, clearly indicating, there is no position to consider in remuneration of employment standards or 42 USC 659, and yet the state continues to attach said funds.

This is a wrongful action by a state court.

**V. INJURIES**

*If you sustained injuries related to the events alleged above, describe them here.*

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**VI. RELIEF**

The relief I want the court to order is:

☐ Money damages in the amount of: \$ \_\_\_\_\_

☒ Other (explain):

The state has created a ridiculous support order, with the intent of being able to turn  
around and seek financial gains through federal dollars, 42 USC 658, for every dollar  
they collect of arrearages they collect special money from the federal government, a  
lucrative program, that supports taking wrongful and illegal actions.

I ask that this court to vacate the underlining child support order in its entirety,  
and award filling fees.



**VII. CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

8 Aug 2022  
Dated

  
Plaintiff's Signature

Nickerson Jason

Printed Name (Last, First, MI)

9116 E Sprague Ave #1040

Address

509-438-0184

Telephone Number

*(mailing only)*  
Spokane Valley WA 99216  
City State Zip Code

Nickins31@gmail.com

E-mail Address (if available)

*List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.*